

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 230

Session of
1979

INTRODUCED BY MESSRS. COLE, ZORD, WILLIAMS, BARBER, POTT, IRVIS,
MRS. ARTY, MESSRS. MILLER, RYAN, MRS. HARPER, MESSRS. NOYE,
MANDERINO, STUBAN, COSLETT, DiCARLO, GOODMAN, SHUPNIK,
D. R. WRIGHT, HOFFEL, DeWEESE, McCALL, STEWART, REED,
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ZELLER, J. J. JOHNSON, OLIVER, GAMBLE, MILANOVICH, TRELLO,
MRS. GEORGE, MESSRS. SEVENTY, COWELL, GATSKI, AUSTIN, ZWIKL,
DAWIDA, KNIGHT, DUFFY, YAHNER, FREIND, F. J. LYNCH, MRKONIC,
KNEPPER, COHEN, McKELVEY, TELEK, GRUPPO AND MRS. E. Z. TAYLOR,
FEBRUARY 12, 1979

SENATOR COPPERSMITH, PUBLIC HEALTH AND WELFARE, IN SENATE,
AS AMENDED, MAY 13, 1980

AN ACT

1 Creating the Pennsylvania Cancer Control, Prevention and
2 Research Advisory Board, ~~and the Pennsylvania Cancer Control,~~ <—
3 ~~Prevention and Research Fund,~~ providing authorization for the
4 Secretary of Health, upon the recommendation of the
5 Pennsylvania Cancer Control, Prevention and Research Advisory
6 Board, to award grants and contracts for cancer control,
7 prevention and research to associations organized in
8 Pennsylvania and to governmental agencies in Pennsylvania.
9 ~~and imposing an additional tax on cigarettes to fund this~~ <—
10 ~~program.~~

11 The General Assembly of the Commonwealth of Pennsylvania

12 hereby enacts as follows:

13 Section 1. Short title.

14 This act shall be known and may be cited as the "Pennsylvania
15 Cancer Control, Prevention and Research Act."

16 Section 2. Definitions.

1 The following words and phrases when used in this act shall
2 have, unless the context clearly indicates otherwise, the
3 meanings given to them in this section:

4 "Board." The Pennsylvania Cancer Control, Prevention and
5 Research Advisory Board established by this act.

6 "Cancer." All malignant neoplasms, regardless of the tissue
7 of origin, including malignant lymphoma and leukemia.

8 ~~"Fund." The Pennsylvania Cancer Control, Prevention and~~
9 ~~Research Fund established by this act.~~

<—

10 "Secretary." The Secretary of Health of the Commonwealth of
11 Pennsylvania.

12 Section 3. Pennsylvania Cancer Control, Prevention and
13 Research Advisory Board.

14 (a) There is hereby created in the Department of Health the
15 "Pennsylvania Cancer Control, Prevention and Research Advisory
16 Board." The board shall consist of 11 members, all of whom shall
17 be Pennsylvania residents, 10 of whom the Governor shall appoint
18 by and with the consent of a majority of the Senate. Of the ten
19 appointed, three shall be distinguished scientists and
20 physicians in the field of cancer, one shall be a qualified
21 professional nurse engaged in the practice of oncological
22 nursing, one shall be skilled in health care administration and
23 two with substantial experience in the field of public health,
24 one of whom shall be a professional nurse engaged in the
25 practice of community health nursing, and three consumer
26 members. The Secretary of Health shall be a member of the board.

27 (b) The terms of the members shall be four years from the
28 respective date of their appointment except that the initial
29 appointments shall be made in such a manner so that four members
30 be appointed for terms of four years, three members be appointed

1 for terms of three years, and three members be appointed for
2 terms of two years.

3 (c) A chairman shall be appointed by the Governor for a term
4 of four years.

5 (d) The board shall meet no less than four times annually at
6 the call of the chairman or, in his absence or incapacity at the
7 call of the Secretary of Health. Six members of the board shall
8 constitute a quorum for the purpose of exercising all of the
9 powers of the board. A vote of the majority of the members
10 present shall be sufficient for all actions of the board.

11 (e) Each board member, except the secretary, shall receive
12 actual travelling expenses and other necessary expenses.

13 (f) No member of the board shall participate in any
14 discussions and decisions to recommend grants or contracts to
15 any qualified association or to any agency of the Commonwealth
16 or its political subdivisions with which the member is
17 associated as a member of the governing body or as an employee,
18 or with which the member has entered into any contractual
19 arrangement.

20 Section 4. Responsibilities of the board.

21 (a) The board shall have the power to prescribe, amend and
22 repeal bylaws governing the manner in which the business of the
23 board is conducted.

24 (b) The board shall advise the secretary with respect to
25 cancer control, prevention and research in Pennsylvania.

26 (c) The board shall approve each year a program for cancer
27 control, prevention and research to be known as the
28 "Pennsylvania Cancer Plan."

29 (d) In order to implement in whole or in part the
30 Pennsylvania Cancer Plan, the board shall recommend to the

1 secretary the awarding of grants and contracts to qualified
2 associations or governmental agencies in order to plan,
3 establish or conduct programs in cancer control or prevention,
4 cancer education and training and cancer CLINICAL research. <—

5 (e) Grants and contracts may be recommended for:

6 (1) Cancer registry.

7 (2) Cancer screening, detection and prevention.

8 (3) Cancer epidemiology and biostatistical studies.

9 (4) Cancer community outreach programs.

10 (5) Cancer rehabilitation.

11 (6) Communication and planning among cancer
12 institutions.

13 (7) Cancer education and information.

14 (8) Cancer training.

15 (9) Cancer CLINICAL research. <—

16 (f) Consistent with the Pennsylvania Cancer Plan the board
17 shall give its first priority to funding grants and contracts
18 relating to subsection (e)(1), (2) AND (3); ~~and (4);~~ second <—
19 priority to funding grants and contracts relating to subsection
20 (e)(4), (5) AND (6); THIRD PRIORITY TO FUNDING GRANTS AND <—
21 CONTRACTS RELATING TO SUBSECTION (E)(7), (8) and (9).

22 (g) The following criteria shall be given consideration for
23 recommending grants and contracts for programs:

24 (1) the relevancy of applicant's proposal to the
25 Pennsylvania Cancer Plan; and

26 (2) the feasibility of the applicant's proposal.

27 (h) The board shall recommend to the secretary rules and
28 regulations consistent with law as it may deem necessary for the
29 performance of its duties and the proper administration of this
30 act.

(i) The board shall report annually to the Governor and the General Assembly. The report shall include, but not be limited to, a full description of the grants and contracts funded pursuant to this act, the amount of the grant or contract, an outline of the proposal on which the grant was based, and the results achieved as a result of the grant.

Section 5. Responsibilities of the secretary.

(a) The secretary shall award grants and contracts only from among those recommended by the board to qualified Pennsylvania associations and governmental agencies in order to plan, establish or conduct programs in cancer control and prevention, cancer education and training and cancer research. The secretary may request additional recommendations from the board.

(b) The secretary shall provide such staff, information and other assistance as the secretary may deem necessary for the completion of the board's responsibilities. Such staff shall be responsible to the secretary.

~~(c) The secretary after consultation with the board shall adopt rules and regulations necessary for the implementation of this act. All proposed regulations shall, at least 30 days prior to publication in the Pennsylvania Bulletin, be submitted to the House Health and Welfare Committee and to the Senate Public Health and Welfare Committee. Said committees shall be given 60 days, prior to the final adoption of the proposed regulations by the department, within which to approve, modify or disapprove the proposed regulations. The action of the committees shall be binding on the department.~~

Section 6. Cancer registry.

(a) The Department of Health shall establish a system for the Statewide collection and dissemination of data on cases of

1 cancer by anatomical site, medical and occupational history of
2 patients, stage of disease and other data necessary to
3 effectuate the provisions of this act as determined by the
4 department.

5 (b) Persons in charge of hospitals and laboratories shall be
6 required by the Department of Health, in accordance with its
7 regulations adopted with the advice of the board to report cases
8 of cancer on forms furnished by the department.

9 (c) The reports required pursuant to this act shall be
10 confidential and not open to public inspection or dissemination.
11 This shall not restrict the collection and analysis of data by
12 the Department of Health or those with whom the department
13 contracts, subject to strict supervision by the Department of
14 Health to insure that the use of the reports is limited to
15 specific research purposes.

16 ~~Section 7. Additional tax to fund programs.~~

<—

17 ~~In addition to any taxes now or hereinafter imposed on~~
18 ~~cigarettes pursuant to section 201, act of July 22, 1970~~
19 ~~(P.L.513, No.178), known as the "Pennsylvania Cigarette Tax~~
20 ~~Act, there is hereby imposed an additional tax on the sale or~~
21 ~~possession of cigarettes within this Commonwealth at the rate of~~
22 ~~one half tenths of a cent per cigarette. The Department of~~
23 ~~Revenue shall collect this additional tax in the same manner as~~
24 ~~the tax imposed and collected pursuant to the act of July 22,~~
25 ~~1970 (P.L.513, No.178) and shall pay such additional tax revenue~~
26 ~~to the State Treasury for credit of the Pennsylvania Cancer~~
27 ~~Control Prevention and Research Fund established by section 8.~~

28 ~~Section 8. Pennsylvania Cancer Control, Prevention and~~
29 ~~Research Fund.~~

30 ~~(a) There is hereby created the Pennsylvania Cancer Control,~~

1 ~~Prevention and Research Fund, which shall consist of all moneys~~
2 ~~credited to it by the State Treasury for the purposes of this~~
3 ~~act under section 7.~~

4 ~~(b) The fund shall be used exclusively for grants and~~
5 ~~contracts to Pennsylvania associations or governmental agencies~~
6 ~~for the purpose of cancer control and prevention, cancer~~
7 ~~education and training, cancer research, and for all expenses~~
8 ~~incurred in connection with the administration of this act and~~
9 ~~the programs funded through the grants and contracts authorized~~
10 ~~by the secretary.~~

11 SECTION 7. APPROPRIATION. <—

12 THE SUM OF \$400,000, OR AS MUCH THEREOF AS MAY BE NECESSARY,
13 IS HEREBY APPROPRIATED TO THE DEPARTMENT OF HEALTH FOR THE 1980-
14 1981 FISCAL YEAR TO CARRY OUT THE PROVISIONS OF THIS ACT.

15 Section 9 8. Sunset provisions. <—

16 With the exception of section 6, this act shall expire on
17 June 30, ~~1983~~ 1984, unless otherwise extended by an act of the <—
18 General Assembly. Grants and contracts approved by June 30, ~~1983~~ <—
19 1984, payable from moneys credited to the fund by June 30, ~~1983~~ <—
20 1984, shall not be revoked by the expiration of the act.

21 Section ~~10~~ 9. Effective date. <—

22 This act shall take effect ~~immediately~~ JANUARY 1, 1981. <—